

Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,	)	
	)	NO. CR05-203RSM
Plaintiff,	)	
	)	
v.	)	GOVERNMENT'S MOTION AND
	)	ORDER TO DISMISS THE
BERDA MAE PHILLIPS,	)	INDICTMENT
	)	
Defendant.	)	
_____	)	

The United States of America, by and through John McKay, United States Attorney for the Western District of Washington, and Norman M. Barbosa, Special Assistant United States Attorney for said District, seeks this Court's leave to dismiss the captioned criminal case as further described below.

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by leave of court endorsed herein, the United States Attorney's Office for the Western District of Washington hereby dismisses without prejudice the Criminal Indictment, Number CR05-203RSM, pending against Berda Mae Phillips.

Upon further investigation and information, the Government has determined that proceeding on the felonies charged in CR05-203RSM is currently inappropriate. The Government has learned that Ms. Phillips was diagnosed with late stage IV breast cancer. Ms. Phillips has recently gone through radiation treatment (from January, 2006, through March 8, 2006). Defendant and her attorney, Jackie Walsh, have no objections to this Motion to Dismiss.

1 Dated: this 3rd day of May, 2006.

2 Respectfully submitted,

3 JOHN McKAY  
4 United States Attorney

5 s/Norman M. Barbosa  
6 NORMAN M. BARBOSA  
7 Special Assistant United States Attorney  
8 WSBA No. 28188  
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18 **ORDER**

19 Leave of court is hereby GRANTED for the filing of the foregoing dismissal.

20 Dated: this 9 day of May, 2006.

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RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE

PRESENTED BY:

19 s/Norman M. Barbosa  
20 NORMAN M. BARBOSA  
21 Special Assistant United States Attorney  
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